

**BIRCH, STEWART, KOLASCH & BIRCH, LLP**

INTELLECTUAL PROPERTY LAW

8110 GATEHOUSE ROAD

SUITE 100 EAST

FALLS CHURCH, VA 22042-1248

USA

(703) 205-8000

FAX: (703) 205-8050

(703) 698-8590 (G IV)

e-mail: mailroom@bskb.com

web: http://www.bskb.com

OTHER OFFICES:  
CARLSBAD, CALIFORNIA  
COSTA MESA, CALIFORNIA  
LOS ANGELES, CALIFORNIA

17497 U.S. PTO  
10/726554  
120403

Date: December 4, 2003

Docket No.: 1599-0254P

**MS PATENT APPLICATION**

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

Sir:

This is a Request for filing a ☐ continuation ☒ divisional  
☐ continuation-in-part application under 37 C.F.R. § 1.53(b) of  
pending prior Application No. 09/865,483 filed on May 29, 2001,  
the entire contents of which are hereby incorporated by  
reference,  
by

Jong Wook LEE; In Young KO; Heui Keun KANG; Jung Hyun NAM;  
Moo Young SONG; Hyung Jin MOON; and Tae Hun SONG

for

A VARIABLE REGION OF THE MONOCLONAL ANTIBODY AGAINST THE HBV S-  
SURFACE ANTIGEN AND A GENE ENCODING THE SAME

1. ☒ Enclosed is an application consisting of specification,  
claims, declaration and drawings/photographs (if  
applicable).

2. ☒ The filing fee has been calculated as follows:

			LARGE ENTITY	SMALL ENTITY
BASIC FEE			\$770.00	\$385.00
	NUMBER FILED	NUMBER EXTRA	RATE FEE	RATE FEE
TOTAL CLAIMS	5-20 =	0	x 18 = \$0.00	x 9 = \$0.00
INDEPENDENT CLAIMS	2-3 =	0	x 86 = \$0.00	x 43 = \$0.00
<input type="checkbox"/> MULTIPLE DEPENDENT CLAIMS PRESENTED			+ \$290.00	+ \$145.00
TOTAL			\$770.00	\$0.00

3. ☒ A check in the amount of \$770.00 to cover the filing fee and recording fee (if applicable) is enclosed.
4. ☐ Please charge Deposit Account No. 02-2448 in the amount of \$0.00. A triplicate copy of this request is enclosed.
5. ☐ Enclosed is/are \_\_\_\_\_ (\_\_\_\_) sheet(s) of formal drawings and/or photographs.
- 6a. ☐ A statement claiming small entity status was filed in prior Application No. 09/865,483 on \_\_\_\_\_. See the attached copy of the statement claiming small entity status.
- 6b. ☐ The current application qualifies for small entity status.
7. ☒ The prior application is assigned to YUHAN CORPORATION.
8. ☐ A Preliminary Amendment is enclosed.
- 9a. ☒ Priority of Application No(s). 2000-28938 filed in Korea on May 29, 2000 is/are claimed under 35 U.S.C. § 119. See attached copy of the Letter claiming priority filed in the prior application on May 29, 2001.
- 9b. ☐ Priority of International Appln. \_\_\_\_\_ filed on \_\_\_\_\_ under the Patent Cooperation Treaty and \_\_\_\_\_

Application No. \_\_\_\_\_ filed in \_\_\_\_\_ on \_\_\_\_\_ under 35 U.S.C. § 120 and/or § 119 are hereby reclaimed.

10. ☒ An Information Disclosure Statement and PTO-1449 form(s) are attached hereto for the Examiner's consideration.
11. ☒ Address all future communications to:
- BIRCH, STEWART, KOLASCH & BIRCH, LLP  
P.O. Box 747  
Falls Church, VA 22040-0747  
(703) 205-8000
- or
- Customer No. 02292
12. ☐ An extension of time for \_\_\_\_\_ ( ) month(s) until \_\_\_\_\_ has been submitted in parent Application No. 09/865,483 in order to establish co-pendency with the present application.
13. ☒ Also enclosed herewith is the following:

A copy of Sequence Listing

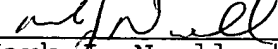
\_\_\_\_\_

\_\_\_\_\_

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17; particularly, extension of time fees.

Respectfully submitted,

BIRCH, STEWART, KOLASCH & BIRCH, LLP

By   
Mark J. Nuell, #36,623

DRN/mua  
1599-0254P

P.O. Box 747  
Falls Church, VA 22040-0747  
(703) 205-8000

Attachment(s)

IN THE U.S. PATENT AND TRADEMARK OFFICE

Applicant: Jong Wook LEE et al. Conf.:  
Appl. No.: NEW Group:  
Filed: December 4, 2003 Examiner:  
For: A VARIABLE REGION OF THE MONOCLONAL  
ANTIBODY AGAINST THE HBV S-SURFACE  
ANTIGEN AND A GENE ENCODING THE SAME

L E T T E R

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

December 4, 2003

Sir:

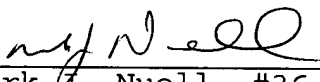
It has come to the attention of Applicants' Representative that the filed Letter submitting a certified copy of foreign priority document No. KR 2000-28938 (filed in Korea on May 29, 2000) for US priority application No. 09/865,483 filed on May 29, 2001 had an error. A copy of the Letter and a copy of the first page of the priority document are attached hereto. The country that the foreign priority document KR 2000-28938 was filed should be Korea, not Japan.

It is noted that the Official Filing Receipt shows KOREA as the country of foreign priority document. A copy of the Official Filing Receipt is attached for the Examiner's convenience.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17; particularly, extension of time fees.

Respectfully submitted,

BIRCH, STEWART, KOLASCH & BIRCH, LLP

By   
Mark G. Nuell, #36,623

JAK/DRN/mua  
1599-0254P

P.O. Box 747  
Falls Church, VA 22040-0747  
(703) 205-8000

Attachments: Letter filed May 29, 2001 with a first page of the priority document KR 2000-28938

Copy of the Official Filing Receipt for US Priority Application No. 09/865,483